

**REMARKS**

Claims 1-8 are currently pending. Claims 1 and 6 have been amended herein.

No new matter has been added. Support for the amended independent claim 1 can be found throughout the specification and drawings, specifically, on page 13, lines 1 to 4 and page 13, line 13 to page 14, line 2. Further, for example, support for the term “increases stepwise” can be found on page 13, line 20 to page 14, line 2, and support for the term “decreases continuously” can be found on page 13, lines 13 to 18. Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and following remarks.

**CLAIM REJECTIONS - 35 U.S.C. § 102**

1. Claims 1-6 have been rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Fish et al. (U.S. Patent No. 6,669,043). Applicant respectfully traverses this rejection and respectfully submits that the claims as properly understood by those skilled in the art are patentably distinct from the cited reference.

Amended independent claim 1 recites, *inter alia*:

A resin tank comprising . . . a pipe sealing member having a closely fitting portion which is closely fitted into the circular hole; and a pipe installed in the pipe sealing member, wherein an outer diameter of the pipe sealing member increases stepwise and then decreases continuously from the closely fitting portion toward the inside of the tank body.

Applicant respectfully submits that Fish et al. does not disclose, teach or suggest the claimed subject matter and therefore respectfully requests this ground of rejection be withdrawn.

Unlike the claimed subject matter, Fish et al. does not disclose, teach or suggest a pipe sealing member wherein an outer diameter increases stepwise and then decreases continuously from the closely fitting portion toward the inside of the tank body. To the contrary, the pipe sealing member in Fish et al. is welded to the tank body. Fish et al. does not disclose a pipe sealing member that can easily be fitted into the circular hole while at the same time providing a strong and reliable seal. Because the pipe sealing member in Fish et al. is welded to the tank body, assembly is more difficult, since the pipe sealing member cannot simply be pushed into the circular hole while being attached to the pipe.

On the other hand, the pipe sealing member of the claimed subject matter reliably prevents leakage from the effects of deformation. Furthermore, the pipe sealing member is easily assembled.

Applicant submits that amended independent claim 1 is patentably distinct from Fish et al. Further, Applicant submits that claims 2 - 6, which are directly or indirectly dependent from amended independent claim 1, are also patentably distinct from Fish et al. for at least a similar reason. Applicant, therefore, respectfully requests that this ground of rejection be withdrawn.

#### **CLAIM REJECTIONS - 35 U.S.C. § 103**

1. Claim 7 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fish et al. in view of Clevenger et al. (U.S. Patent Application No. 2002/0158073 A1). Claim 7 is directly or indirectly dependent on amended independent claim 1.

Applicant respectfully traverses this rejection and respectfully submits that claim 7 is patentably distinct from the cited references, taken alone or in combination.

Examiner alleges that Fish et al. discloses the resin tank of claim 1, but that it does not teach it can be used as an oil tank. Examiner further alleges that Clevenger does disclose an oil tank made from resin and therefore “it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of the resin tank of Fish et al. as an oil tank since use of plastic tanks is common for this application.” (See Office Action, page 3, ¶2).

As stated above, Applicant submits that the claimed subject matter is patentably distinct from Fish et al. Specifically, Applicant submits that Fish et al. does not disclose, teach or suggest a pipe sealing member wherein the outer diameter increases stepwise and then decreases continuously from the closely fitting portion toward the inside of the tank body. Applicant respectfully submits that a prima facie case of obviousness has not been established. “To establish a prima facie case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art.” MPEP § 2143.03 (citing In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974)). Because claim 7 is directly dependent on amended claim 1, Applicant respectfully submits that the claimed subject matter is patentably distinct from the cited references, taken alone or in combination.

2. Claim 8 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Fish et al. in view of the prior art cited by Applicant. Applicant respectfully traverses this rejection and respectfully submits that the claims as properly understood by those skilled in the art are patentably distinct from the cited references.

Examiner alleges that Fish et al. discloses the resin tank of claim 1, but that it does not teach the use of a metallic pipe. Examiner further alleges that “applicant identifies the use of metallic pipes in a pipe sealing member as known in the prior art,” and therefore “[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of metallic pipes . . . in the resin tank disclosed by Fish et al. . . .” (See Office Action, page 3, ¶3).

A prima facie case of obviousness has not been established and a combination of the cited references is improper. There is no suggestion or motivation to combine the cited references. MPEP § 2143 (“[T]here must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings.”).

As background information, Applicant has disclosed a prior art resin tank that includes a tank body made of synthetic resin, a plurality of pipes and a plate-like cover. (See Specification, page 1, lines 8-18 & Fig. 7). In the prior art resin tank, the pipes are fixed to the cover by welding and both the pipes and cover are made of metallic metal. However, Examiner has not provided any suggestion or motivation to combine the prior art resin tank disclosed by Applicant with Fish et al.

Moreover, neither the prior art resin tank disclosed by Applicant nor Fish et al., taken in combination or alone, render unpatentable the claimed subject matter. The claimed subject matter is patentably distinct from Fish et al. More specifically, Applicant submits that Fish et al. does not disclose, teach or suggest a pipe sealing member wherein the outer diameter increases stepwise and then decreases continuously from the closely fitting portion toward the

inside of the tank body. Therefore, a prima facie case of obviousness has not been established.

MPEP § 2143.03. Because claim 8 is directly dependent on amended claim 1, Applicant respectfully submits that the claimed subject matter is patentably distinct from the cited references, taken alone or in combination.

### **CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

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Reply to Office Action of May 6, 2005

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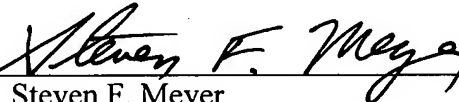
**AUTHORIZATION**

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 5095-4082. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Respectfully submitted,  
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